

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tony Demetrius Merritt, #307281,

PETITIONER

v.

Administrator, Greenville County
Detention Center,

RESPONDENT

Case No. 4:22-cv-2881-TLW

Order

Petitioner Tony Demetrius Merritt (“Petitioner”), proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner is a state pretrial detainee who has been charged with murder and possession of a weapon during a violent crime. ECF No. 18 at 2. His requested relief is the dismissal of all charges and his release. ECF No. 1.

The matter now comes before the Court for review of the Report and Recommendation (“Report”) filed by the magistrate judge to whom this case was assigned, the Honorable Thomas R. Rogers, III. ECF No. 18. In the Report, the magistrate judge recommends that the petition be dismissed based on the principle of federal abstention during the course of an ongoing state criminal proceeding. *Id.* at 3 (citing *Younger v. Harris*, 401 U.S. 37, 43–44 (1971)). Petitioner did not file objections to the Report. Accordingly, this matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify,

in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 18, is **ACCEPTED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

January 17, 2023
Columbia, South Carolina